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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,938	04/20/2005	Joseph Severini	19461-098350	8465
<div>7590 09/28/2007</div> <div>Robin W Asher Clark Hill 500 Woodward Avenue Suite 3500 Detroit, MI 48226-3435</div> <div>EXAMINER LE, TAN</div> <div>ART UNIT PAPER NUMBER</div> <div>3632</div> <div>MAIL DATE DELIVERY MODE</div> <div>09/28/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,938

Applicant(s)

SEVERINI, JOSEPH

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Abstract

Applicant is reminded of the proper format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph *on a separate sheet within the range of 50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Drawings

The drawings are objected to because the bearing arrangement 80 (Fig. 1) is shown in a confusing manner. The bearing 80 appears having two parts but these two parts are not ascertain to what it is. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are also objected to because the cross sectional views of Figure 2 (second sheet) has not been properly identified to where the respective section has been taken, see 37 CFR 184(h)(3). The cross section of Figure 2 should indicate as, for example A-A, because it comes from cross section A--A of figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because "the floor of the vehicle" (see "secured to the floor of the vehicle" (line 4) and "the seat" (see "secured to the seat" (line 6) " are drawn into the claim while the floor of the vehicle and the seat do not appear to be of the claimed invention (see the preamble). Claims 1-14 are considered drawn to the combination of seat track vehicle floor and seat for examination purposes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,524,504 to Brandoli et al. in view of US Patent No. 5,286,076 to DeVoss et al.

Brandoli et al discloses a device for longitudinally adjusting vehicle seat comprising: a seat track assembly (Fig. 1) adapted to mount a seat to a floor of an automotive vehicle and provide selective forward and rearward adjustment of the seat relative to the floor among a plurality of seating positions, said seat track assembly comprising: an inner track (10) fixedly secured to the floor of the vehicle and having a bearing surface (14) extending longitudinally along said inner track; an outer track (12) fixedly secured to the seat and slidably coupled to said inner track to allow selective

Art Unit: 3632

sliding adjustment of the seat relative to the floor of the vehicle, said outer track including a substantially arcuate bearing surface 22 extending longitudinally along said outer track and opposing said bearing surface; and a plurality of cylindrical bearings 18 (col. 3, lines 18-22) positioned between said bearing surface of said inner track and said arcuate bearing surface of said outer track to accommodate torsional loading and movement of said outer track with respect to said inner track while facilitating said selective sliding adjustment of the seat relative to the floor.

Brandoli et al. discloses the inner track fixedly secured to the floor of vehicle and having a convex bearing surface (see attached figure) but does not disclose expressly the bearing surface is flattened bearing surface.

DeVoss et al. teaches the inner track fixedly secured to the floor of vehicle and having a bearing surface, which is flattened bearing surface (30, 34 Fig. 4) extending longitudinally along the inner track for smooth sliding movement between outer track and inner via planar surfaces 64 of the bearing retainer body assembly 58.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flattened bearing surface extending longitudinally along the inner track on Brandoli as taught by DeVoss et al. in order to allow more smooth sliding movement between the outer track and the inner track via the lower surface of the middle lower portion of the bearing assemblies.

As to claim 2, wherein said inner track includes two upright sides (see attached figure) and a cross member extending laterally there between to define a U-shaped channel, said sides each having a distal end opposite said cross member.

As to claim 3, wherein said inner track includes an outer edge extending substantially laterally outwardly from each of said distal ends of each of said sides.

As to claim 4, Brandoli's flattened bearing surface as modified is formed in said outer edge and extends longitudinally with respect to said inner track.

As to claim 5, wherein said inner track includes an outer wall extending substantially perpendicularly from each of said outer edges to define a flange (see attached figure).

As to claim 6, wherein said inner track includes a plurality of teeth (48) (col. 4, 7) formed along said outer wall, each of said plurality of teeth disposed longitudinally with respect to said inner track to define each of the plurality of seating positions.

As to claim 7, wherein said outer track includes two upright sides and a base (see attached) extending laterally between said sides to define a U-shaped cross section, said sides of said outer track each including a distal end.

As to claim 8, wherein said base of said outer track includes a concavity (see attached figure) formed therein, said concavity protruding toward said inner track to define said arcuate bearing surface opposing said flattened bearing surface.

As to claim 9, wherein said outer track includes a hook (50, 60) formed on each of distal ends of said sides of said outer track, said hook engaged with said flange of said inner track to prevent vertical separation of said outer track from said inner track.

As to claim 10, Brandoli also further discloses a spacer (25) extending over said hook between said outer tracks and said inner track for reducing rattle between said outer track and said inner track.

Art Unit: 3632

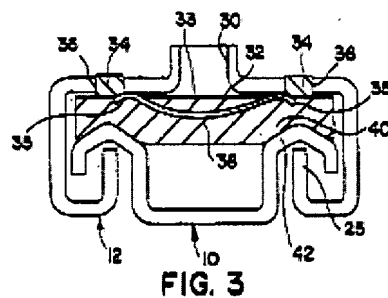
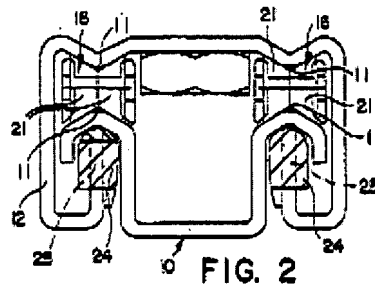
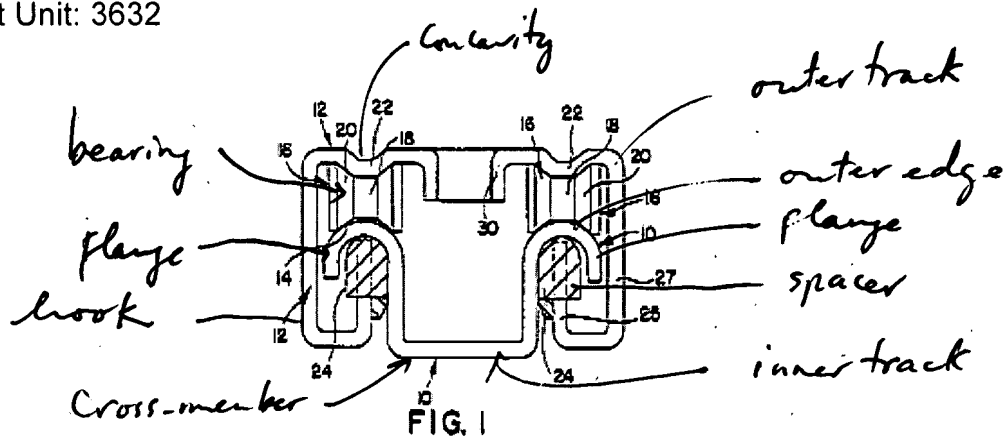
As to claim 11, Brandoli device also including a bearing guide (considers the convex surface of the outer track holding the bearing) for retaining said plurality of bearings between said arcuate and flattened bearing surfaces.

As to claim 12, including a latch mechanism (44) (Fig. 4 or 5) operatively coupled to said outer track and lockingly engagable with said plurality of teeth (48) of said inner track to selectively lock the seat in one of the plurality of seating positions.

As to claim 13, wherein said latch mechanism includes a latch plate (leaf spring) having a plurality of apertures for lockingly engaging said plurality of teeth to prevent sliding movement of said outer track relative to said inner track, said latch plate movably supported on said outer track for movement between a locked position, wherein said plurality of apertures are engaged with said plurality of teeth, and an unlocked position, wherein said plurality of apertures are disengaged with said plurality of teeth to allow sliding movement of said outer track relative to said lower track.

As to claim 14, the Brandoli device including a spring (60) (col. 4, lines 14-19) energized between said outer tracks and said latch plate for biasing said latch plate toward said locked position.

Art Unit: 3632



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US2005/0285005 to Severini

4,881,774 to Bradley et al.

6,513,868 to Tame

Art Unit: 3632

4,526,424 to Korth

5,855,250 to Volker et al.

5,358,207 to West

5,167,393 to Hayakawa et al.

4,813,643 to Nihei

5,855,350 to Volker et al.

The above patents disclose various types of seat tracks and engagement latch assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan le
September 12/07.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600